Case 3:14-cr-00266-B Document 749 Filed 12/29/15 Page 1 of 1 PageID 1800 IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION UNITED STATES OF AMERICA V. S CASE NO.: 3:14-CR-00266-B JUAN AYALA (25)

REPORT AND RECOMMENDATION CONCERNING PLEA OF GUILTY

JUAN AYALA, by consent, under authority of United States v. Dees, 125 F.3d 261 (5th Cir. 1997), has appeared before me pursuant to Fed. R. Crim.P. 11, and has entered a plea of guilty to Count 4 of the 17-Count Superseding Indictment filed June 23, 2015. After cautioning and examining JUAN AYALA under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea was knowledgeable and voluntary and that the offense charged is supported by an independent basis in fact containing each of the essential elements of such offense. I therefore recommend that the plea of guilty be accepted, and that JUAN AYALA be adjudged guilty of Conspiracy to Possess with Intent to Distribute a Controlled Substance in violation of 21 USC § 846[21 USC § 841(a)(1) and (b)(1)(A)(viii)] and have sentence imposed accordingly. After being found guilty of the offense by the district judge,

	The defendant is currently in custody and should be ordered to remain in custody.			
	The defendant must be ordered detained pursuant to 18 U.S.C. § 3143(a)(1) unless the Court finds by clear and convincing evidence that the defendant is not likely to flee or pose a danger to any other person or the community if released.			
		The Government does not oppose release. The defendant has been compliant with the current of the find by clear and convincing evidence that the defendant or the community if released and should then	endant is not likely to fle	-
		The Government opposes release. The defendant has not been compliant with the cond of the Court accepts this recommendation, this management.		hearing upon motion of the
	The defendant must be ordered detained pursuant to 18 U.S.C. § 3143(a)(2) unless (1)(a) the Court finds there is a substantial likelihood that a motion for acquittal or new trial will be granted, or (b) the Government has recommended that no sentence of imprisonment be imposed, or (c) exceptional circumstances are clearly shown under § 3145(c) why the defendant should not be detained, and (2) the Court finds by clear and convincing evidence that the defendant is not likely to flee or pose a danger to any other person or the community if released.			
Date:	Decem	mber 29, 2015		

PAUL D. STICKNEY

UNITED STATES MAGISTRATE JUDGE

NOTICE

Failure to file written objections to this Report and Recommendation within fourteen (14) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. §636(b)(1)(B).